

REMARKS

A Request for Continued Examination and the appropriate fee is enclosed herewith. Entry and consideration of the enclosed Amendment is respectfully requested. A Petition for a one month extension of time to make this response timely is also enclosed. It is respectfully requested that the Petition included with this response be considered as including a conditional petition for an extension of time sufficient to make this response timely if a Petition for an Extension of Time is inadequate or is omitted. Please charge the costs of any extension or additional extension of time, if needed, to Deposit Account 15-0640.

The Patent Office Examiner's objection to Claims 23 through 27 for inconsistent use of terms is noted. Accordingly Claims 23 through 27 have been canceled and new Claims 28 through 32 added to correct the inconsistencies and more particularly point  
out and distinctly claim the novel features of applicant's  
invention.

The rejection of claims under 35 U.S.C. 103(a) as unpatentable over Inuiya et al '348 in view of Thommen '181 and further in view of Bendell et al '563 is respectfully traversed. The Examiner's continued reliance on standard AGC circuits is not understood. As applicant's described in the Background of the Invention of course there are circuits designed to adjust amplification (i.e., gain) for low light conditions. However none of them teach or suggest a design that provides the wide

range of light levels and degree of sensitivity to extremely low light levels of applicant's invention. Devices such as those taught and shown in the patents cited by the Examiner respond to low light conditions by switching to higher amplification. While this is helpful they are not sufficient to cover the wide range of light levels of applicant's invention.

The patent of Inuiya '348 describes an invention to record and store an image in memory. Figure 4 of Inuiya discloses an AGC circuit 36 including gain setter 106, gain controller 108 and gain setter 110 which are only a means to change the gain (i.e., amplification) ~~and certainly not at a light level below~~

~~0.02 lux.~~ This patent does not teach or disclose any means to provide the wide range and degree of sensitivity disclosed and described by applicant. In fact this patent describes the kind of device referred to by applicant in the background information.

Nor does Thommen '181 teach anything that could be combined with Inuiya to produce applicant's invention as now claimed. The Thommen patent is for an invention to balance a variable gain amplifier with an iris drive to reserve the best signal-to-noise ratio in which the amplifier gain and lens opening are controlled by a control network. Applicant does not understand why this patent is being applied as it appears to have no relationship to the invention claimed herein.

The reference to Bendell et al '563 also appears to have

little if any relationship to applicant's invention. Bendell et al discloses an invention for cooling a solid state image camera. The relationship between signal-to-noise ratio (i.e., gain) dB and light level (i.e., lux) are specified as 65 dB at 560 lux, and 18 to 47 dB at 70 lux (i.e., low level) in column 4, line 24 to 45. These light levels are much too large to even be considered relative to this application which describes a device for light levels of or below 0.02 lux.

It is respectfully submitted that the references relied on by the Examiner are the same as those disclosed by applicant in the background and do not teach or remotely suggest photography in the extreme range and low light levels disclosed by applicant. They are simple devices to adjust gain according to a change in light levels. The claims as now presented should be allowable over any reasonable combination of the references cited.

Reconsideration of this application and allowance of the claims as now submitted are earnestly solicited.

Respectfully submitted,

  
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